

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GRADUAL TAYLOR,	:	CASE NO. C-1-02-446
Plaintiff,	:	(Judge Weber)
	:	(Magistrate Black)
v.	:	
CHERYL HART,	:	<u>POLICE OFFICER CHERYL</u>
	:	<u>HART'S RULE 45(e) MOTION</u>
Defendant.	:	<u>FOR ORDER OF CONTEMPT</u>
	:	<u>AGAINST DEPONENT SHEILA</u>
	:	<u>TAYLOR AND MEMORANDUM</u>
	:	<u>IN SUPPORT</u>

Pursuant to Rule 45(e) F.R.Civ.P., Police Officer Cheryl Hart moves the Court for an order of contempt against deponent Sheila Taylor ("Taylor") for failure to appear at a scheduled deposition on February 28, 2007. The deposition was the second half of a deposition commenced on February 2, 2007, but continued in progress. Taylor was served with a subpoena to appear at the February 28, 2007, deposition but nevertheless declined to attend. Attached affidavit of Sonya Walker. On February 2, 2007, the parties agreed to continue the deposition in progress to allow Taylor time to compile the financial records she neglected to bring on that date even though she had been served with a subpoena duces tecum for those records. Gradual Taylor, the plaintiff in the case at bar, is Taylor's husband. He designated her as the witness to establish his alleged damages. Taylor did not provide the financial information on February 2, 2007, and did not appear on February 28, 2007.

Officer Hart acknowledges that the plaintiff appears *pro se*. Nevertheless, a subpoenaed witness must comply with the subpoena and the civil rules of procedure.

Officer Hart is entitled to defend herself against what she knows is an unmeritorious claim. For the foregoing reasons, Officer Hart requests that an order of contempt be issued against Taylor and that Taylor also be ordered to appear in the courthouse to complete the deposition.

Respectfully submitted

JULIA L. McNEIL(0043535)
City Solicitor

/s/ Richard Ganulin

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Special Counsel for Police Officer
Cheryl Hart

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing Police Officer Cheryl Hart's Rule 45(e) Motion for order of Contempt Against Deponent Sheila Taylor and Memorandum in Support was filed electronically this 15 day of March, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard Ganulin

RICHARD GANULIN (0025642-C)

Assistant City Solicitor

JLM/RG/(chs)

(Police) Taylor-Hart's Mtn for Order of Contempt 0307-RG